



# INSTRUMENT OF RECOGNITION

*Fair Work (Registered Organisations) Act 2009*  
Sch.2 Cl. 1 – Recognition of State-registered association

**The Broken Hill Town Employees' Union**  
(R2016/181)

MR ENRIGHT

MELBOURNE, 2 NOVEMBER 2016

*Recognition of State-registered association*

[1] On 1 September 2016, the Fair Work Commission received an application from The Broken Hill Town Employees' Union for recognition as a State-registered association pursuant to Schedule 2 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

[2] Being satisfied that the applicant is a State-registered association, that the association has no federal counterpart, that the association has been registered under the *Industrial Relations Act 1996* of New South Wales, and that the application was accompanied by the information as set out in subclause 1(3) of Schedule 2 of the RO Act, I hereby grant the application.



DELEGATE OF THE GENERAL MANAGER

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## Form F1—Application (No Specific Form Provided)

*Fair Work Commission Rules 2013, subrule 8(3) and Schedule 1*

This is an application to the Fair Work Commission.

### The Applicant



These are the details of the person who is making the application.

<b>Title</b>	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
<b>First name(s)</b>	Rosslyn		
<b>Surname</b>	Ferry		
<b>Postal address</b>	Trades Hall, Blende Street		
<b>Suburb</b>	Broken Hill		
<b>State or territory</b>	NSW	<b>Postcode</b>	2880
<b>Phone number</b>	08 8087 3625	<b>Fax number</b>	08 8087 6236
<b>Email address</b>	unions@bhfeu.net.au		

**If the Applicant is a company or organisation please also provide the following details**

<b>Legal name of business</b>	The Broken Hill Town Employees' Union
<b>Trading name of business</b>	As above
<b>ABN/ACN</b>	18 982 218 639
<b>Contact person</b>	Rosslyn Ferry

**How would you prefer us to communicate with you?**

Email (you will need to make sure you check your email account regularly)

Post

**Does the Applicant have a representative?**



A representative is a person or business who is representing the Applicant. This might be a lawyer, a union or a family member or friend who will speak on behalf of the Applicant. There is no requirement to have a representative.

Yes—Provide representative's details below

No

### Applicant's representative



These are the details of the person or business who is representing the Applicant.

<b>Name of person</b>			
<b>Firm, union or company</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Phone number</b>		<b>Fax number</b>	
<b>Email address</b>			

### The Respondent



These are the details of the person or business who will be responding to your application to the Commission.

<b>Title</b>	[ <input type="checkbox"/> ] Mr [ <input type="checkbox"/> ] Mrs [ <input type="checkbox"/> ] Ms [ <input type="checkbox"/> ] Other please specify:		
<b>First name(s)</b>			
<b>Surname</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Phone number</b>		<b>Fax number</b>	
<b>Email address</b>			

If the respondent is a company or organisation please also provide the following details

<b>Legal name of business</b>	
<b>Trading name of business</b>	
<b>ABN/ACN</b>	
<b>Contact person</b>	

## 1. The Application

1.1 Please set out the provision(s) of the [Fair Work Act 2009](#) (or any other relevant legislation) under which you are making this application.

This application is made under Schedule 2.1 of the *Fair Work (Registered Organisations) Act 2009*.

## 2. Order or relief sought

### 2.1 Please set out the order or relief sought.



Using numbered paragraphs, set out what you are asking the Commission to do.

1. The Broken Hill Town Employees' Union (**BHTEU**) seeks recognition as a Recognised State-registered Association (**RSRA**) under Schedule 2.1 of the *Fair Work (Registered Organisations) Act 2009*.

### 2.2 Please set out grounds for the order or relief sought.



Using numbered paragraphs, set out the grounds, including particulars, on which you are seeking the relief set out in question 2.1.

1. Transitional Registration of State-Registered Association will end on 31 December 2016.
2. The BHTEU has members whose terms and conditions of employment are governed by the *Fair Work Act 2009*.
3. The BHTEU satisfies the requirements of Schedule 2.1 (1) and 2.1 (2) of the *Fair Work (Registered Organisations) Act 2009* as follows:
  - (a) The BHTEU is a registered association which has no federal counterpart; and
  - (b) The BHTEU is registered under the *New South Wales Industrial Relations Act 1996*, which is a law of a State to which subclause (2) of Schedule 2.1 applies.
4. As required by subclause (3) of Schedule 2.1, the following documentation accompanies this application:
  - (a) a copy of the current rules of the association; and
  - (b) a statement setting out:
    - (i) the address of the association; and
    - (ii) each office in the association; and
    - (iii) the name and address of each person holding office in the association.

### 3. The employer

#### 3.1 What is the industry of the employer?

Industrial Organisation of Employees



### 4. Industrial instrument(s)

#### 4.1 Please set out any modern award, agreement or other industrial instrument relevant to the application and their ID/Code number(s) if known.

### Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

<b>Signature</b>	
<b>Name</b>	Rosslyn Ferry
<b>Date</b>	1 September 2016
	Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the <b>Capacity/Position</b> section.

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**

**Fair Work (Registered Organisations) Act 2009**

**Re: Schedule 2.1 (3) (b)**

**APPLICANT'S STATEMENT**

I, Rosslyn Ann Ferry, Secretary, The Broken Hill Town Employees' Union, make the following statement on behalf of the Applicant:

**(i) Address of the Association**

The Broken Hill Town Employees' Union  
Trades Hall  
Blende Street  
Broken Hill NSW 2880

**(ii) Office in the Association**

Secretary

President

Vice Presidents (2)

Trustees (3)

Trades Hall Trust Delegate

**(iii) Name and address of Office Holders**

Rosslyn Ann Ferry

[REDACTED]

Raelene Joy Greeney

[REDACTED]

Wendy May Pearce

[REDACTED]

Ronald Arthur Symonds

[REDACTED]

Sandra Elizabeth Egan

[REDACTED]

Richard John Carney

[REDACTED]

Alexandro Petros

[REDACTED]

Daniel Francis O'Connor

[REDACTED]

Barrier Industrial Council Delegates (3) Daniel Francis O'Connor

[REDACTED]

Wendy May Pearce

[REDACTED]

Roslyn Ann Ferry

[REDACTED]

Committee of Management (2 from each Section)

Aged Care Section (2)

Karen Lee Fenton

[REDACTED]

Katrina Webb

[REDACTED]

Hospital Section (2)

Marshall Kelly

[REDACTED]

Nicholas Gary Hanford

[REDACTED]

Registered Clubs Section (2)

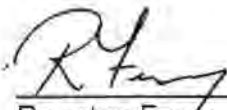
Warwick Lindsay Grose

[REDACTED]

Anthony Micheal Toigo

[REDACTED]

Signed:



Roslyn Ferry, Secretary

Date:

1 September 2016

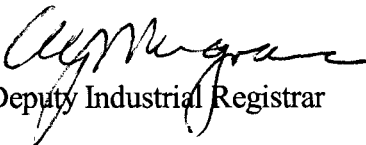


***INDUSTRIAL RELATIONS ACT 1996***  
**section 392**

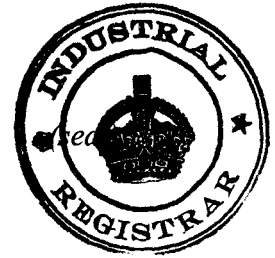
**Certificate**

**Certified copy of the rules of an organisation**

I, Andrew Gordon Musgrave, Deputy Industrial Registrar, certify that the following 17 pages are a true and correct copy of the rules of the ***The Broken Hill Town Employees' Union*** as at 24 June 2003 recorded on that date in Matter No. R01/0256, an application to register a State Industrial Organisation of Employees.

  
Deputy Industrial Registrar

Date: 24 June 2003





# RULES OF THE BROKEN HILL TOWN EMPLOYEES' UNION

1. The name of the Union shall be The Broken Hill Town Employees' Union.

## OBJECTS

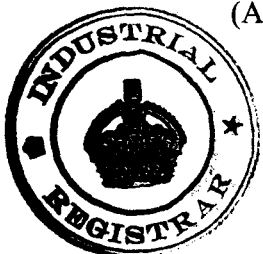
2. The objects of this Union will be:
  - (a) To secure the full fruits of their labour to members thereof, by industrial and political action, and by such other lawful means as may be decided from time to time by the members.
  - (b) Immediate reduction in the hours of labour and equal pay for the sexes.
  - (c) The abolition of child labour.
  - (d) To obtain incorporation as an organisation of employees under the [NSW] Industrial Relations Act 1996 (in these Rules called "the Act") and any amendment of that Act.
  - (e) To exercise all of the powers of a registered organisation of employees under that Act.
  - (f) By the above and all other lawful means to further or protect the interests of its members.
  - (g) To represent its members in connection with industrial matters.

## CONSTITUTION

3.
  - (a) This organisation shall consist of all bona-fide employees working in any capacity (mining employees excepted) in the County of Yancowinna who subscribe to the objects of the Union and who apply for and are accepted as members by resolution of the Committee of Management.
  - (b) All members shall be classified into their sections of their calling.
  - (c) Each section shall be empowered to make by-laws for the government of such sections, provided that such rules are in accordance with the general constitution.

Provided that this Constitution shall not render eligible for membership the following employees:

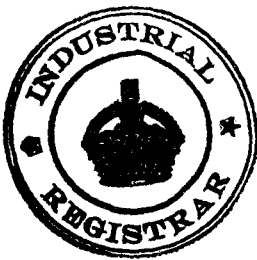
- (A) Members or persons eligible for membership under the Constitutions of the following industrial organisations of employees as at 27 September 2001 namely in any of the Australian Salaried Medical Officers' Federation (New



South Wales), the New South Wales Fire Brigade Employees Union, the Federated Municipal & Shire Council Employees' Union of Australia, New South Wales Division, the New South Wales Independent Education Union, the Police Association of New South Wales and the Construction, Forestry, Mining and Energy Union (New South Wales Branch);

(B) Members or persons eligible for membership under the Constitution of the following industrial organisations of employees as at 27 September 2001 namely in either of the Public Service Association and Professional Officers Association Amalgamated Union of NSW or the Health and Research Employees' Union of New South Wales employed in the County of Yancowinna provided that this exclusion shall not operate to exclude from membership in the Broken Hill Town Employees' Union employees otherwise eligible for membership who are employed or usually employed in the County of Yancowinna in the occupations of :

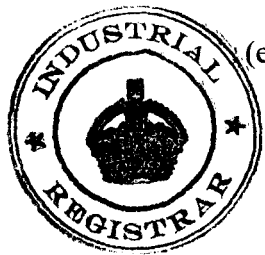
- \* Aged Care Facilities workers other than medical staff, clerical and salaried staff;
- \* Ambulance Officers below the rank of Sector Manager;
- \* Hospital workers other than medical staff, clerical, salaried staff and tradesmen but including technical assistants (physiotherapist aides and occupational therapist aides), patient service assistants (PSA), emergency department service assistants (EDSA), rehabilitation workshop supervisor, leather workers, radiographers, pharmacists, pharmacy assistants, pathology assistants, labourers, drivers, security and hotel services (laundry, domestic, catering and portering);
- \* Respite Care workers including Unit Manager and Respite Care Assistants;
- \* TAFE (Technical & Further Education, Western Institute, Broken Hill Campus) General Assistants; and/or
- \* Roads & Traffic Authority wages employees in general classifications (including storepersons, labourers, and cleaners).



#### MEANS AND FINANCE

4. (a) In order to carry out the above mentioned objects, each member unless exempt by reason of membership of a kindred trade union named as such by resolution of the Committee of Management shall pay a joining fee of five dollars upon joining the union, and shall then pay an amount that may be decided by the Committee of Management from time to time to suit the needs of the Union, not exceeding \$300 in any one year. This quarterly amount shall be divided into three separate funds, namely the General Fund, the Funeral Fund, and the Levy Fund.

- (b) Any member who fails to renew his quarterly ticket by the Monday preceding the week of badge show day in the months of February, May, August and November in each and every year shall be deemed to be unfinancial and be fined the sum of five dollars.
- (c) An unfinancial member shall not be entitled to any protection under the Rules or By-Laws of the Union, or participate in any way whatsoever in the funeral or any other benefits.
- (d) A member who wishes to continue to contribute to the Funeral Fund after retirement may do so and shall retain the status of a financial member unless his or her payments are more than thirty (30) days overdue when he or she shall be taken to be an unfinancial member.
- (e) All applicants for membership shall be informed in writing of:
  - (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a member may resign from the Union.



### **BANKING**

- 5. All monies of this union shall be placed such banks as the union may determine from time to time, to the credit of a General Fund.

All current expenses shall be paid from the General Fund, and the three members elected by the union as trustees for the same shall insert their names in the bank books. No funds shall be drawn except by cheques, to be signed by the President, or either Vice-President and any one of the Trustees, and countersigned by the Secretary.

### **DONATIONS OR LEVIES**

- 6. No donations or levies shall be paid from the union funds unless for some industrial or political dispute or purpose or by a recommendation of the Barrier Industrial Council or by the Committee of Management.

### **DELEGATES' EXPENSES**

- 7. Delegates shall receive their current daily rate of pay within a radius of 15 miles of Broken Hill with ordinary transport fare in addition, over that distance, their current daily rate of pay plus all expenses of board, residence and fares and an additional \$4.00 per day for out of pocket expenses.

### **GOVERNMENT**

- 8. The organisation shall be governed by a committee of management consisting of President, two Vice-Presidents, three Trustees, two representatives from each section who shall if a ballot is required be elected three yearly by a secret postal ballot vote of

all members, and the Secretary, who shall be elected by secret postal ballot every three years, the first such election under these Rules to be held within twelve months of the registration of the Union as an industrial organisation of employees.

## REGISTERED OFFICE

8A. The registered office of the Union shall until otherwise determined by resolution of the Committee of Management be at Trades Hall, Blende Street, Broken Hill, NSW.

## OFFICERS

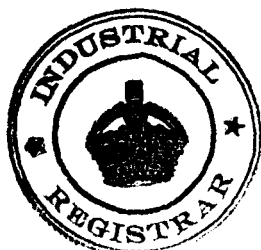
9. (a) The President, two Vice-Presidents, three Trustees, Committeemen, Delegates to the Barrier Industrial Council, the ALP, and the Trades Hall Trust shall be elected three yearly, the first such election under these Rules to be held within twelve months of the registration of the Union as an industrial organisation of employees and upon election shall hold office for a term of three years or until a successor is duly elected and shall be eligible for re-election.

(aa) No member shall be eligible to be elected to the office of President, Vice-President, Secretary or Trustees unless he or she is a member of twelve months' standing. All other executive members and representatives shall be members of six months' standing. In the event of members having transferred to the Town Employees' Union within the previous six months, such member shall be eligible to the position of executive or representatives providing such member produces a clearance from another Broken Hill Union proving that he or she has had six months' standing with such Union. Membership in a kindred trade union named as such by resolution of the Committee of Management shall be taken as membership in the Town Employees Union for the purposes of this rule. Pending any such resolution the unregistered State association known as The Broken Hill Town Employees Union shall be one such body. The President, Vice-President, Secretary and Trustees shall be elected by the Multiple System of Preferential voting.

(b) The Secretary shall be elected three yearly, the first such election under these Rules to be held within twelve months of the registration of the Union as an industrial organisation of employees and upon election shall hold office for a term of three years or until a successor is duly elected and shall be eligible for re-election.

A person elected to an office may be removed from office if found guilty by a general meeting of members of which due notice has been given to the person concerned of

- (i) misappropriation of the funds of the union;
- (ii) a substantial breach of the rules of the organisation;
- (iii) gross misbehaviour or gross neglect of duty; or
- (iv) has ceased, under these rules, to be eligible to hold office.



- (d) A minute secretary may be appointed to assist the Secretary in taking minutes at meetings.

### **ELECTION OF OFFICERS**

9A (a) The Union shall apply in writing to the Industrial Registrar to request that the Industrial Register appoint the Returning Officer and arrange for the conduct of the elections. The application shall be made by either the Committee of Management or by a number of members of the Union that is not less than 1,000 or 10%, whichever is the lesser, of all the members of the Union.

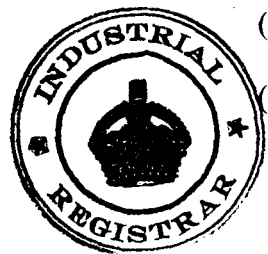
(b) The conduct of the elections shall be in the hands of the Returning Officer as appointed by the Industrial Registrar and shall be conducted in accordance with the Rules and the then applicable provisions of the Act and Regulations. The Returning Officer shall, by notice to be published in a local newspaper and to be sent by post to all members of the Union who appear to be entitled to vote in the elections:

- (1) fix times and dates for the close of nominations, close of the roll and close of the ballot;
- (2) call for nominations, advise where nomination forms may be obtained and specify the place where nominations for election may be lodged;
- (3) specify the qualifications needed by candidates and persons nominating candidates in the elections as provided by Rule 9(aa) and sub-rule(c) of this Rule.

(c) Names of candidates to stand for election must have the names of proposer and seconder attached. The nomination shall be informal if either the proposer, seconder or the nominee is unfinancial at the time of signing such nomination paper. A person may not nominate for election more candidates than the number of offices to be elected.

(d) The costs of the elections will be borne by the Union.

(e) The Union by the Committee of Management may apply for an exemption concerning the Returning Officer under section 446 of the 1991 Act or any later Act or Regulation authorising such application and may make any other application concerning the conduct of the election permitted by the then applicable provisions of the Act and Regulations.

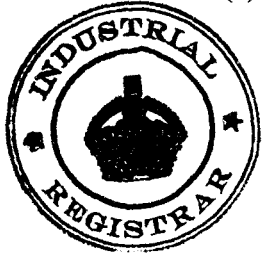


### **CASUAL VACANCY OF OFFICER**

9B. (a) A casual vacancy in the office of any of the Union's officers shall, subject to sub-rule (b) and (c) of this Rule, be filled by ordinary election conducted so far as practicable in accordance with Rule 9A of these Rules.

(b) Where the unexpired term of the office to be filled does not exceed 12 months or three-quarters of the term of the office, whichever is the greater, the General Meeting may resolve not to fill the office by ordinary election, but by appointment by the General Meeting.

(c) Where the General Meeting adopts the resolution in accordance with sub-rule (b) of this Rule, the Committee of Management may appoint any member who is eligible to hold office to fill the office to be filled and upon any such appointment taking effect, the person filling the vacancy shall be taken, for the purposes of these Rules, to have been elected to the office under the relevant rules of the Union and the person so elected shall hold office for the unexpired term of the office to be filled or until a successor is duly elected and shall be eligible for re-election.



### **DUTIES OF OFFICERS**

10. The President shall be recognised head of this union. He or she shall, if possible, preside at all meetings in connection with the business of this union, and of Committees, etc., and see that the business is conducted in a proper manner. He or she shall sign all cheques passed for payment, and other documents requiring his or her signature as head of this union. The President and Secretary shall be empowered to call Committee meetings in all cases of emergency, and generally to ensure the well-being and objects of the union, the President shall have the casting vote only. He or she shall be paid for the actual time lost while on Union business.
11. The duty of the Vice-President shall be in the absence of the President, to occupy the chair, and conduct the business. He or she shall perform all functions indicated for the President to the best of his ability and judgment pro tem; if the President through sickness or absence is unable to do so. In the event of the President and Vice-President being absent, the meeting shall appoint a chairman pro tem.
12. The duties of the General Secretary shall be to keep a correct account of all moneys received and expended; to attend all meetings, and to take minutes of same. He or she shall zealously attend to all correspondence, and answer such questions as may be asked in accordance with the rules and regulations of the Union. He or she shall file and date all correspondence received. He or she shall insert his or her name and address in all letters and returns; enter in his or her account book detailed account of all moneys received from all sources with the date of receipt; also a detailed account of all expenditure. He or she shall write all correspondence as instructed and do any other thing for the advancement of the Union that the President may direct. He or she shall regularly pay into the bank appointed by the Union, all moneys, and shall in no case hold in his or her possession a larger sum than \$1000 for a period longer than 24 hours (Sundays and Holidays excepted), and shall produce the bank deposit book written up for inspection at each monthly meeting. He or she shall hold office for three years, but the Committee of Management shall have the power at any time to suspend him pending the hearing of a resolution for his or her removal from office at the next or special general meeting of members and he or she shall in all meetings be allowed to speak or vote. He shall find a guarantee policy for the sum of 500 dollars and the Union paying the premium. He or she shall be entitled to four weeks' holiday annually on full pay, and the Committee of Management may grant an extension not

exceeding two weeks. He or she shall keep a register of the members of the Union. He or she shall be a member ex officio of all committees. The custody of the minutes of proceedings, records and all other documents whatsoever, shall be in him or her, and he or she shall neither take, or permit to be taken from the office, any such minutes, records or documents without the express leave or order of the Committee of Management or resolution of General or Special Meeting.

## DUTIES OF MEMBERS

- 12A. (a) A member may resign from membership by written notice addressed to the Secretary of the Union of which the member resigning is a member and delivered to that officer;
- (b) A notice of resignation from membership takes effect:
- (i) where the member ceases to be eligible to become a member of the Union,
- (A) on the day on which the notice is received by the Secretary of the Union;
- (B) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;
- whichever is later; or
- (ii) in any other case;
- (A) at the end of 2 weeks after the notice is received by the Secretary on behalf of the Union;
- (B) on the day specified in the notice;
- whichever is later;
- (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union;
- (d) A notice delivered to the Secretary shall be taken to have been received by the Union when it was delivered;
- (e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (a);
- (f) A resignation from membership is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the



Union that the resignation has been accepted.

Any member who leaves the industry or moves from the area of the Union may request a clearance from the Union. Upon such request, the Union shall issue such clearance provided such member has paid all monies owing and is financial on the books of the Union.

## GENERAL

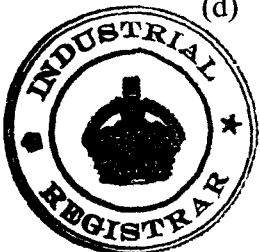
13. (a) An organiser may be appointed by Special General Meeting called for the purpose.
- (b) Any section may decide for itself the line of action it may take to improve the conditions of members working in their section, but before all members in any section decide to cease work the whole matter shall be referred to the Committee of Management for decision.
- (c) No section or member shall enter into negotiations in regard to agreement without the sanction of Committee of Management.

## AUDITORS

14. (a) The Committee of Management shall appoint a person qualified to audit the financial affairs of the Union in accordance with the requirements of the Industrial Relations Act 1996. The person so appointed shall hold office as auditor unless he or she dies, resigns or is removed from office by resolution of a general meeting of members which shall by resolution appoint his or her successor, in default of which the Committee of Management shall do so.

The Auditors, who shall be certified accountants, shall, within fourteen days of the close of each half-year, take the Secretary's books and balance sheets with all receipts, compare them, and draw up a correct report of same, and shall present it within twenty-eight days of close of half-year. They shall attach to each audit report, an inventory of all goods belonging to this Union. Auditors finding a deficiency in money or goods shall state the particulars in their report.

- (b) Auditors shall have the power to inspect all books and documents at any time during their term of office. The books shall close for audit and balance sheet on June 30<sup>th</sup> and December 31<sup>st</sup> in each and every year.
- (c) For his or her services he or she shall be paid a sum agreed upon by a General Meeting from time to time.
- (d) A General Meeting may appoint any one auditor to perform a special audit if they consider it necessary. The audit shall be conducted in the Secretary's Office or that of the auditors.





## MEETINGS

15. The yearly, half-yearly and quarterly General Meetings of the union shall be held in the months of January, April, July and October respectively in each and every year.

Ordinary General Meetings may be held monthly, and shall be held on the second Tuesday of each month. Special Summoned Meetings of the whole of the organisation may be convened at any time by the Committee of Management by the President, or by requisition signed by 21 financial members of the Union, requesting the President, or in his absence, the General Secretary to convene such special meeting, but at least two days' notice must be given by advertisement of the intention to call such meeting, and the business to be transacted thereat (except in the case of extraordinary, urgent business when 24 hours' notice will be observed). If any officer or member of the Committee of Management absent himself or herself from two consecutive meetings of committee, except he or she tender a written apology, he or she shall be struck off the roll and another shall be elected in his or her stead, in accordance with the above rule, unless a satisfactory explanation of such absence be given. In the event of it being deemed desirable in the interest of the Union that any officer or committeeman should be removed at any time from his or her office pursuant to Rule 9a such may be done by a majority of those present at a General Meeting of members, of which due notice has been given.

A Quorum shall consist of 15 members, including any officers present for a quarterly or summons meeting, and 5 members, including any officers present for an ordinary meeting.

## ORDER OF BUSINESS

16. At the time appointed, the President, or presiding Chairman, for the time being, shall open the meeting in the following manner:

I declare this meeting open for the transaction of business that may be brought before it in connection with the Town Employees' Union. To facilitate business, the following order shall be strictly adhered to:

1. Minutes to be read and confirmed of Special, General or Committee Meetings.
2. Correspondence, outward and inward, to be read and received and discussed.
3. Election of Officers.
4. Reports.
5. Motions on Notice to be discussed.
6. Orders of the day.
7. Tabling of Notices of Motion.



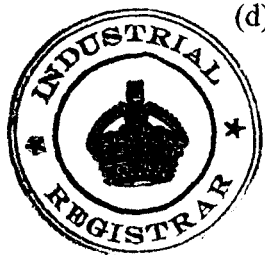
8. General Business.
9. Reading Minutes of above business.

### ORDERS OF DEBATE

17. Any member deciding to propose a motion or amendment, or discussing any matter under consideration, must rise and address the chairman, and no member when speaking shall be interrupted, unless called to order, when he or she shall sit down and the member calling to order shall be heard in preference to the other speaker, and the chairman shall then decide without discussion on the point or order before the subject is resumed or any other subject entered upon.

### STANDING RULES AND ORDERS

18. (a) Every member on giving notice of motion shall give the secretary a copy of such notice, together with his or her name and the day proposed for bringing on such notice.
- (b) No motion entered on the notice paper shall be proceeded with unless the member who has given such notice or someone assist the President at all meetings of the Union, authorised by him or her in writing be present when the business is called to order.
- (c) Any motion or amendment not seconded shall not be further debated, but shall lapse.
- (d) A motion moved and seconded, no person shall be allowed to speak in favour of it unless an amendment is moved and seconded, or two speakers oppose the motion, after which debate shall continue by speakers, one alternately from each side, until the discussion closes. Mover of the motion shall have the right to reply before the vote is taken. No member shall be allowed to speak for longer than five minutes. In the event of industrial trouble, this rule shall be inoperative.
- (e) As soon as debate on a question shall be concluded, the mover having replied, the chairman shall put the question to the meeting in a distinct and audible manner.
- (f) A motion that the question be put duly seconded shall be decided without discussion, and if three-fourths or more majority of the members present at such meeting vote for the closure, the mover of the motion under discussion shall have the right to reply, and the chairman shall then proceed to take the vote.
- (g) The question being put shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded by any two members.



- (h) The chairman, if so desirous of discussing any motion or amendment, shall leave the chair. In the event of the Vice-President being absent, the meeting shall appoint a chairman pro tem.

### AMENDMENTS

19. (i) A question having been proposed, may be amended by leaving out, substituting or adding words, and such amendment shall be resolved by a majority of votes.
- (j) Amendments may be proposed to any such amendments on such amendments becoming the motion.
- (k) When amendments have been lost, the original question or substantive motion shall be put.

### NOTICE OF MOTION

20. Seven days' notice of motion must be given for the purpose of rescinding or altering resolutions previously carried, rules, levies, money votes or any special business requiring notice of motion. A resolution for the amendment of the rules of the Union shall require fourteen days notice of motion.

### STANDING ORDERS FOR THE CONDUCT OF MEETINGS

21. (a) No members shall speak to any motion after same has been put to the meeting by the chairman, and the voting has been given either in the affirmative or the negative.
- (b) When two or more members rise to speak, the chairman shall call upon the member who, in the Chairman's opinion, rose first in his or her place.
- (c) Whenever the chairman rises during a debate, any member then speaking, or offering to speak shall sit down, so that the chairman may be heard without interruption.
- (d) It shall be competent by a vote of two-thirds majority of the members to suspend standing orders herein contained, for the purpose of receiving deputations or discussing business not provided for in the rules.
- (e) If any member in the meeting persistently interrupts the business, or refuses to obey the ruling of the presiding officer, he or she shall, for the first offence, be fined two dollars, for the second five dollars, and for the third be requested to withdraw, failing to do so he or she shall be ejected from the meeting.



At all meetings, guardians shall be appointed who shall take charge of the door.

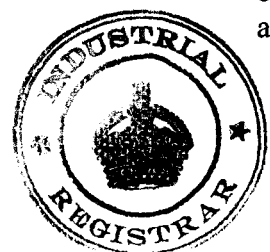
Admission shall be by members' tickets or vouched for by the Secretary.

## HOLIDAYS

22. Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Queen's Birthday, and all other holidays which are applicable to the various industrial sections of the Union shall be observed as holidays by the Union.

## MISCELLANEOUS

23. Clearances may be accepted from any bona-fide Trade Union, provided the clearance is submitted by any person or persons who are residents of Broken Hill and District, or in the event of a non-resident, that the person or persons comply to the residential qualifications: That such person or persons have resided in Broken Hill for the previous six months and have been registered on the Union's Book, for that period, or any person who can prove they have been a resident for the previous six months.
24. Should any member of this organisation be dismissed from his or her employment for taking a leading part in any matter connected with the Union, the members are pledged to stand by him or her, and see that he or she is reinstated, provided the Union approves of the action he or she has taken. The Committee of Management shall grant compensation to such member for the loss through his or her dismissal dependent on the financial position of the Union.
25. All members having an interest in the funds of this Union shall on application to the Secretary during office hours have liberty to inspect all books, etc.
26. Office Hours for the transaction of business shall be as determined by the Committee of Management.
27. In the event of any member being required by his or her employer to answer any charge of misbehaviour or lack of duty, etc the member shall not answer such charge unless accompanied by an official of the Union or another competent member with knowledge of the circumstances involved. Such enquiry shall take place only in the employer's office or in a place of privacy.
28. Any member who is found guilty of malpractice according to the rules of this Union shall not be permitted to hold any official position thereafter for a period fixed by a General Meeting of members. Also the executive shall have the right to reject any such nominations as they deem out of order.
29. In the event of any member making a claim for back wages the Union shall make such claim on behalf of the member to the limit permitted by the Industrial Relations Act applicable at the time of submitting a claim for back wages.



**MEMBERS CHARGED MAY BE PRESENT**

- 30. Any office-holder or member against whom a charge has been laid shall be present while such charge is under debate at a General Meeting of members called on notice of the business to be transacted. If such member fails to attend after due notice has been given, the case shall be heard in his or her absence.
- 31. All members present at a General Meeting of the Union must sign attendance books.
- 32. A special book shall be kept in the Secretary's Office for the entering and recording of by-laws made by any section of the Town Employees' Union.

**FUNERAL ALLOWANCE**

- 33. That a Funeral Fund be formed for the benefit of members on the following basis:
  - (a) On the death of any member, the sum of 100 dollars shall be allowed for funeral expenses. This amount to be paid to the next-to-kin or undertaker upon application, unless deemed otherwise.
  - (b) The union shall refuse the payment of funeral allowance in respect to any deceased member in any of the following cases:

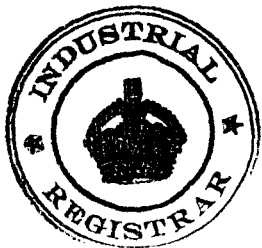
To a member who is unfinancial in accordance with rule 4 herein; or to a member whose decease took place during the first 13 weeks of membership of the union, or  
Should the claim for the funeral allowance be not made within six months of the death of the member.

- (c) No clause or sub-clause, except sub-clause (a) of the funeral fund rule shall be altered by any resolution, notice of motion, or by any by-law and shall not be covered by rule 20.

**STRIKE PAY**

- 34. When any stoppage occurs and which has been duly endorsed by a General Meeting of the Union called in accordance with the rules, and provided that such stoppage continues for more than five days it shall be financed after the expiration of such period of five days on a weekly basis to the following amounts:

Single Members	-	Twelve Dollars.
Married Members	-	Twenty Dollars.
Child	-	Two Dollars, with a maximum of Thirty Dollars per week.
Juniors	-	Six Dollars per week.



**TRANSITIONAL RULES**

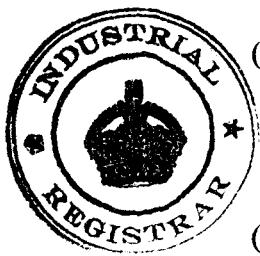
35. Pending the first elections held under these Rules subsequent to the registration of the Union as an organisation of employees under the (NSW) Industrial Relations Act 1996 the following persons who have indicated by signing a copy of these Rules their consent to do so shall hold the offices set out below against the name of each:

<u>Office</u>	<u>Office Holder</u>	<u>Signature</u>
President	Mr. Brett Campbell	.....
Vice-President	Mr. Trevor Dawson	.....
Vice-President	Mr. Valdis Berzins	.....
Secretary	Mrs. Rosslyn Greenwood	.....
Trustee	Mr. John Walton	.....
Trustee	Ms. Kerrie Brown	.....
Trustee	Ms. Kaye Khan	.....

and shall be the Transitional Committee of Management with all the powers of the Committee of Management under these Rules and without limiting the generality thereof with specific power:

- (a) to resolve to apply for the incorporation of the Union under the (NSW) Industrial Relations Act 1996;
- (b) to comply with all requirements of the Registrar so far as necessary or convenient to facilitate such incorporation;
- (c) to amend the rules of the Union so far as necessary or convenient to facilitate such incorporation and for this purpose to have all the powers of a validly convened and duly conducted General Meeting of members of the Union called on due notice for that purpose;
- (d) to apply for exemptions, to enter into arrangements and to make agreements so far as necessary or convenient to facilitate such incorporation;
- (e) to exempt from the payment of any entrance fee or subscription those persons who, being members of a kindred unregistered State association and eligible for membership in the Union apply for membership in the Union by signing a copy of these Rules.

36. We, the undersigned, being in aggregate in excess of 50 persons eligible for membership in the Union who have signed documents in like form to this document, declare:







NEW SOUTH WALES

No. EE74

*Industrial Relations Act 1996*

**CERTIFICATE OF REGISTRATION OF A STATE  
INDUSTRIAL ORGANISATION OF EMPLOYEES**

This is to certify that

on 24 June 2003

**The Broken Hill Town Employees' Union**

is duly registered as a State Industrial Organisation of Employees under the provisions of Chapter 5 of the *Industrial Relations Act 1996*.



*Aly McGeorge*  
Deputy Industrial Registrar

Date: 24 June 2003